

### **Remarks**

Applicants appreciate the Examiner's courtesy in granting Applicants' counsel a telephone interview on February 9, 2006, to discuss Applicants' request to amend its species election. The Examiner indicated that she would accept an amended species election and invited Applicants to file this supplemental reply to the Restriction Requirement.

The Restriction Requirement on pages 2-3 requests Applicants to elect a species defined in the Restriction Requirement by "additional dietary ingredient[s]" for prosecution on the merits. Applicants have withdrawn their previous provisional species election and now provisionally elect the species that additionally comprises corosolic acid, with traverse. Claims 1-18 and 75-88 read on the elected species. Applicants reserve the right to have additional species examined upon allowance of a generic claim.

Although Applicants have made the provisional election above, Applicants respectfully continue to request reconsideration of the request for election of species. The Restriction Requirement identifies just 3 species of Applicants' composition and kit. Moreover, the Restriction Requirement indicates that all the species fall within the same class and subclass (as it states that all the product claims are in the same class and subclass). It would not be an unreasonable burden to search two additional species in the same class and subclass.

### **Conclusion**

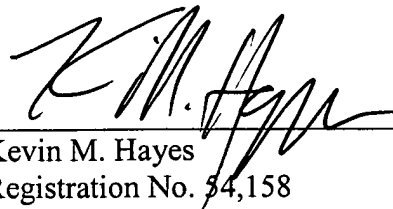
Applicants previously requested reconsideration of the Restriction Requirement and Species Election Requirement and respectfully maintain those requests for reconsideration despite the provisional elections made in the previous reply and this supplemental reply. The

Examiner is invited to telephone the undersigned at the number listed below if the Examiner believes that any discussion of this matter would be helpful.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

  
Kevin M. Hayes  
Registration No. 34,158

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 228-9446